

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

NATIONAL ASSOCIATION FOR GUN
RIGHTS, INC., ET AL.,

Plaintiffs,

v.

MERRICK GARLAND,
IN HIS OFFICIAL CAPACITY AS
ATTORNEY GENERAL
OF THE UNITED STATES, ET AL,

Defendants.

Case No. 4:23-cv-00830-O

PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT

Pursuant to Federal Rule of Civil Procedure 56, Plaintiffs move for summary judgment. Consistent with Local Rule 56.3(b), the summary information required by Local Rule 56.3(a) is set forth in Plaintiffs' Memorandum in Support of Plaintiffs' Motion for Summary Judgment, which is submitted concurrently as a separate document.

Specifically, Plaintiffs seek:

1. A declaration that holds unlawful and sets aside the Bureau of Alcohol, Tobacco, Firearms, and Explosives' finding that forced reset triggers are "machineguns" and vacates Defendants' unlawful classification of forced reset triggers as "machineguns;"
2. An Order directing Defendants to return to all parties, including but not limited to, manufacturers, distributors, resellers, and individual owners, all forced reset triggers and forced reset trigger components confiscated or seized pursuant to their unlawful classification within thirty (30) days;
3. A Permanent Injunction enjoining Defendants from:

- a. Initiating or pursuing criminal prosecutions for possessing, selling, or manufacturing forced reset triggers based on the claim that forced reset triggers are machineguns;
 - b. Initiating or pursuing civil proceedings for possessing, selling, or manufacturing forced reset triggers based on the claim that FRTs are machineguns;
 - c. Initiating or pursuing criminal prosecutions for representing to the public or potential buyers and sellers that forced reset triggers are not machineguns;
 - d. Initiating or pursuing civil actions for representing to the public or potential buyers and sellers that forced reset triggers are not machineguns;
 - e. initiating any *criminal* prosecutions against the Rare Breed Parties (as defined in the corresponding Memorandum of Law) related to their possession, manufacture, or sale of FRTs.
 - f. Sending “Notice Letters” or other similar communications stating that forced reset triggers are machineguns;
 - g. Seizing or requesting “voluntarily” surrender of forced reset triggers to the government based on the claim that forced reset triggers are machineguns;
 - h. Destroying any previously surrendered or seized forced reset triggers; and
 - i. Otherwise interfering in the possession, sale, manufacture, transfer, or exchange of FRTs based on the claim that FRTs are machineguns.
4. An order directing Defendants to mail remedial notices correcting their prior mailing campaign “warning” suspected owners of forced reset triggers that possession of forced reset triggers was purportedly illegal; and
 5. Out of respect for coordinate courts, defendants in *United States v. Rare Breed Triggers*,

LLC, No. 23-cv-369 (NRM) (RML) (E.D.N.Y.) (“Rare Breed Parties”) are carved out from this injunction; except that Defendants are enjoined from pursuing any criminal actions against the Rare Breed Parties on the grounds that FRTs are “machineguns.”

Date: November 3, 2023

Respectfully submitted,

/s/ Whitney A. Davis

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send a notification of such filing to all counsel of record in this action.

Date: November 3, 2023

By: /s/ Whitney A. Davis
Whitney A. Davis